

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE**

LPI, INC., ) Case No. 2:21-cv-19  
Plaintiff, ) Judge Travis R. McDonough  
v. ) Magistrate Judge Cynthia R. Wyrick  
BRIAN JOHNSONT, doing business as )  
ATLANTA HOT TUB CENTER, )  
Defendant. )

---

**ORDER**

---

According to the Court's review of the docket, Defendant has been served with a copy of the summons and complaint. On February 25, 2021, Defendant filed a notice of stipulation of extension of time to respond to the complaint, in which he stated that the parties agreed that Defendant would have until March 22, 2021 to respond to the complaint. (Doc. 15.) However, more than two weeks after the agreed upon date, Defendant has not filed a responsive pleading or a response to Plaintiff's motion for preliminary injunction, nor has he sought to extend the time in which to respond to either. Federal Rule of Civil Procedure 55(a) provides that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Despite Defendant's failure to file a responsive pleading, Plaintiff has yet to request that the Clerk enter default or move for a default judgment pursuant to Federal Rule of Civil Procedure 55.

Accordingly, Plaintiff is **ORDERED** to file on or before **April 19, 2021**, a response showing why its claims against Defendant should not be dismissed pursuant to Fed. R. Civ. P.

41(b) for failure to prosecute. Plaintiff is hereby put **ON NOTICE** that if it does not timely file a response showing good cause, its claims against the non-responsive Defendant may be dismissed.

**SO ORDERED.**

/s/ *Travis R. McDonough*

**TRAVIS R. MCDONOUGH  
UNITED STATES DISTRICT JUDGE**